UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,611	09/22/2000	G. Victor Guyan	07752.0020	1864

28164 7590 05/31/2006		EXAMINER
ACCENTURE CHICAGO 28164		FRENEL, VANEL

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ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 January 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-45</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>10202003 & 2272004 & 9152004</u>

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the Appeal Brief filed on 01/20/06. Claims

1-45 are pending.

2.   In view of the Appeal Brief filed on 01/20/06, PROSECUTION IS HEREBY

REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 C.F.R 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied

by a supplement appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131

or 1.132) or other evidence are permitted. See 37 CFR 1.193) (b)(2).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Peterson et al (6,343,271) in view of Murcko, Jr. (6,578,014).

(A)   As per claim 1, Peterson discloses a method for capturing line item data by a

data processing system, comprising:

receiving claim identification information from a client computer, said claim

identification information identifying an insurance claim (See Peterson, Col.3, lines 65-

67 to Col.4, line 20);

downloading the spreadsheet appropriate for the type of insurance claim to the

client computer (See Peterson, Col.7, lines 1-17; Col.8, lines 17-33);

inserting line item data into the spreadsheet appropriate for the type of insurance

claim (See Peterson, Col.8, lines 47-64);

aggregating the line item data collected from the client computer (See Peterson,

Col.7, lines 44-67 to Col.8, line 16);

storing the line item data in an insurance host server (See Peterson, Col.7, lines

5-42);

aggregating the line item data collected from the client computer (See Peterson,

Col.7, lines 1-17; Col.8, lines 17-33);

Peterson does not explicitly disclose that the method having providing the client

computer with an item tree of line item data based on the line level;

querying the client computer to determine whether a spreadsheet appropriate for

the type of insurance claim needs to be downloaded to the client computer, the

spreadsheet receives the line item data;

presenting the client computer with an option to enter line item data regarding the claim through a web-based processor through a spreadsheet; when the spreadsheet option is selected; and when the web-based process option is selected; when either the spreadsheet or the web-based process option is selected.

However, these features are known in the art, as evidenced by Murcko. In particular, Murcko suggests that the method having providing the client computer with an item tree of line item data based on the line level (See Murcko, Col.30, lines 25-40; Col.31, lines 54-67);

querying the client computer to determine whether a spreadsheet appropriate for the type of insurance claim needs to be downloaded to the client computer, the spreadsheet receives the line item data (See Murcko, Col.35, lines 39-67 to Col.36, line 36);

presenting the client computer with an option to enter line item data regarding the claim through a web-based processor through a spreadsheet (See Murcko, Col.15, lines 60-67 to Col.16, line 59); when the spreadsheet option is selected (See Murcko, Col.15, lines 60-67 to Col.16, line 59); and when the web-based process option is selected (See Murcko, Col.15, lines 60-67 to Col.16, line 59); when either the spreadsheet or the web-based process option is selected (See Murcko, Col.15, lines 60-67 to Col.16, line 59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Murcko within the collective teachings of Field and Little with the motivation of providing various methods of payment which may be

utilized and included credit cards, personal checks, electronic funds transfer, debit

cards, digital cash, and escrow accounts (See Murcko, Col.4, lines 31-34).

(B)   As per claim 2, Peterson discloses the method wherein receiving claim

identification information further includes receiving a claim number (See Peterson 16,

lines 1-34).

(C)   As per claim 3, Peterson discloses the method wherein receiving claim

identification information, further includes receiving a password (See Peterson, Col.14,

lines 26-45).

(D)   As per claim 4, Peterson discloses the method wherein receiving claim

identification information, further includes validating the password and the claim number

(See Peterson, Col.14, lines 26-67).

(E)   As per claim 5, Peterson discloses the method wherein the step of receiving

claim identification information further includes the step of issuing a fraud warning (See

Peterson, Col.14, lines 46-64).

(F)   As per claim 6, Murcko discloses the method further comprising receiving

information into the spreadsheet when the spreadsheet option is selected (See Murcko,

Col.15, lines 60-67 to Col.16, line 59).

The motivation for combining the respective teachings of Peterson and Murcko are as discussed in the rejection of claim 1, and incorporated herein.

(G)   As per claim 7, Murcko discloses the method wherein the aggregating comprises aggregating line item data in the spreadsheet when the spreadsheet option is selected (See Murcko, Col.15, lines 60-67 to Col.16, line 59).

The motivation for combining the respective teachings of Peterson and Murcko are as discussed in the rejection of claim 1, and incorporated herein.

(H)   As per claim 8, Peterson discloses the method wherein aggregating further comprises uploading the spreadsheet to the insurance host server when the spreadsheet option is selected (See Peterson, Col.14, lines 8-25).

(I)   As per claim 9, Murcko discloses the method wherein providing comprises displaying an item tree of line item data based on the line level when the web-based process option is selected (See Murcko, Col.15, lines 60-67 to Col.16, line 59).

The motivation for combining the respective teachings of Peterson and Murcko are as discussed in the rejection of claim 1, and incorporated herein.

(J)   As per claim 10, Murcko discloses the method wherein providing further comprises tunneling through the item tree when the web-based process option is selected (See Murcko, Col.15, lines 60-67 to Col.16, line 59).

The motivation for combining the respective teachings of Peterson and Murcko are as discussed in the rejection of claim 1, and incorporated herein.

(K)   As per claim 11, Murcko discloses the method wherein providing further comprises receiving a selection of a line item level data from the item tree when the web-based process option is selected (See Murcko, Col.15, lines 60-67 to Col.16, line 59).

The motivation for combining the respective teachings of Peterson and Murcko are as discussed in the rejection of claim 1, and incorporated herein

(L)   As per claim 12, Murcko discloses the method wherein aggregating comprises updating a display of line items based on claimant's selected line items when the web-based process option is selected (See Murcko, Col.15, lines 60-67 to Col.16, line 59).

The motivation for combining the respective teachings of Peterson and Murcko are as discussed in the rejection of claim 1, and incorporated herein

(M)   As per claim 13, Murcko discloses the method further comprising updating a display of aggregated line item data from the insurance host server when either the spreadsheet or the web-based process option is selected (See Murcko, Col.15, lines 60-67 to Col.16, line 59).

The motivation for combining the respective teachings of Peterson and Murcko are as discussed in the rejection of claim 1, and incorporated herein

(N)   As per claim 14, Murcko discloses the method further comprising editing a listing

of aggregated line item level data from the insurance host server when the web-based

process option is selected (See Murcko, Col.15, lines 60-67 to Col.16, line 59).

The motivation for combining the respective teachings of Peterson and Murcko

are as discussed in the rejection of claim 1, and incorporated herein

(O)   As per daim 15, Peterson discloses a system for capturing line item data,

comprising:

a processor for executing programs (See Peterson, Col.8, lines 26-47); and

a memory for storing a program executable by the processor, the stored

program including instructions for:

(i) receiving claim identification information from a client computer, said claim

identification information comprising, a line level identifying an insurance claim (See

Peterson, Col.3, lines 65-67 to Col.4, line 20);

downloading the spreadsheet appropriate for the type of insurance claim to the

client computer (See Peterson, Col.7, lines 1-17; Col.8, lines 17-33);

inserting line item data into the spreadsheet appropriate for the type of insurance

claim (See Peterson, Col.8, lines 48-64);

aggregating the line item data collected from the client computer (See Peterson,

See Peterson, Col.7, lines 1-17; Col.8, lines 17-33);

storing the line item data in an insurance host server (See Peterson, Col.7, lines 5-42);

Peterson does not explicitly disclose that the system having presenting the client computer with an option to enter line item data regarding the claim through a web-based processor through a spreadsheet;

providing the client computer with an item tree of line item data based on the line level;

querying the client computer to determine whether a spreadsheet appropriate for the type of insurance claim needs to be downloaded to the client computer, the spreadsheet receives the line item data;

when the spreadsheet option is selected; and when the web-based process option is selected; when either the spreadsheet or the web-based process option is selected.

However, these features are known in the art, as evidenced by Murcko. In particular, Murcko suggests that the system having presenting the client computer with an option to enter line item data regarding the claim through a web-based processor through a spreadsheet (See Murcko, Col.15, lines 60-67 to Col.16, line 59);

providing the client computer with an item tree of line item data based on the line level (See Murcko, Col.30, lines 25-40; Col.31, lines 54-67);

querying the client computer to determine whether a spreadsheet appropriate for the type of insurance claim needs to be downloaded to the client computer, the

spreadsheet receives the line item data (See Murcko, Col.35, lines 39-67 to Col.36, line

36);

when the spreadsheet option is selected (See Murcko, Col.15, lines 60-67 to

Col.16, line 59); and when the web-based process option is selected (See Murcko,

Col.15, lines 60-67 to Col.16, line 59); when either the spreadsheet or the web-based

process option is selected (See Murcko, Col.15, lines 60-67 to Col.16, line 59).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Murcko within the collective teachings of Field

and Little with the motivation of providing various methods of payment which may be

utilized and included credit cards, personal checks, electronic funds transfer, debit

cards, digital cash, and escrow accounts (See Murcko, Col.4, lines 31-34).

(P)   As per claim 29, Peterson discloses a computer readable medium

containing instructions for controlling a computer system to perform a method for

capturing line item data the method comprising:

receiving claim identification information from a client computer, said claim

identification information comprising, a line level identifying an insurance claim (See

Peterson, Col.3, lines 65-67 to Col.4, line 20);

downloading the appropriate spreadsheet to the client computer (See Peterson,

Col.7, lines 1-17; Col.8, lines 17-33);

inserting line item data into the spreadsheet appropriate for the type of insurance

claim (See Peterson, Col.7, lines 1-17; Col.8, lines 17-33);

aggregating the line item data collected from the client computer (See Peterson,

See Peterson, Col.7, lines 1-17; Col.8, lines 17-33);

storing the line item data in an insurance host server (See Peterson, Col.7, lines

5-42);

Peterson does not explicitly disclose that the system having providing the client

computer with an item tree of line item data based on the line level;

querying the client computer to determine whether a spreadsheet appropriate for

the type of insurance claim needs to be downloaded to the client computer;

presenting the client computer with an option to enter line item data regarding the

claim through a web-based processor through a spreadsheet;

when the spreadsheet option is selected; and when the web-based process

option is selected; when either the spreadsheet or the web-based process option is

selected.

However, these features are known in the art, as evidenced by Murcko. In

particular, Murcko suggests that the system having providing the client computer with

an item tree of line item data based on the line level (See Murcko, Col.30, lines 25-40;

Col.31, lines 54-67);

querying the client computer to determine whether a spreadsheet appropriate for

the type of insurance claim needs to be downloaded to the client computer (See

Murcko, Col.35, lines 39-67 to Col.36, line 36);

presenting the client computer with an option to enter line item data regarding the

claim through a web-based processor through a spreadsheet (See Murcko, Col.15, lines

60-67 to Col.16, line 59);

when the spreadsheet option is selected; and when the web-based process

option is selected (See Murcko, Col.15, lines 60-67 to Col.16, line 59); when either the

spreadsheet or the web-based process option is selected (See Murcko, Col.15, lines

60-67 to Col.16, line 59).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Murcko within the collective teachings of Field

and Little with the motivation of providing various methods of payment which may be

utilized and included credit cards, personal checks, electronic funds transfer, debit

cards, digital cash, and escrow accounts (See Murcko, Col.4, lines 31-34).

(Q)   As per claims 43-45, Murcko discloses the method wherein the querying

performed when the spreadsheet option is selected comprises:

checking a cookie on the client computer (See Murcko, Col.19 lines 35-67 to

Col.20 line 14); and noting whether the client computer has a particular spreadsheet

(See Murcko, Col.15, lines 60-67 to Col.16, line 31).

(R)   Claims 16-42 recite the underlying process steps of the elements of claims 2-14,

respectively. As the various elements of claims 2-14 and have been shown to be either

disclosed by or obvious in view of the collective teachings of Peterson and Murcko, it is

apparent that the apparatus disclosed by the applied prior art performs the recited

underlying functions. As such, the limitations recited in claims 16-42 are rejected for the

same reasons given above for method claims 16-42, and incorporated herein.

Response to Arguments

5.   Applicant's arguments filed on 01/20/06 with respect to claims 1-45 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The cited but not applied art teaches electronic creation,

submission, adjudication, and payment of health insurance claims (6,343,271), system

and method for managing insurance claim processing (5,950,169).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769.

The examiner can normally be reached on Monday-Thursday from 6:30am-

5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax

phone numbers for the organization where this application or proceeding is assigned

are 703-305-7687 for regular communications and 703-305-7687 for After Final

communications.

Any inquiry of a general nature or relating to the status of this application or

proceedihg should be directed to the receptionist whose.telephone number is 703-308-

1113.

V.F
V.F

April 01, 2006

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER